

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PATRICIA WILLIAMS,

Plaintiff,

v.

WISCONSIN DEPARTMENT OF
WORKFORCE DEVELOPMENT,

Defendant.

ORDER

13-cv-794-bbc

A telephone status conference was held in this case on October 8, 2014. Plaintiff Patricia Williams appeared pro se. Defendant appeared by John Sweeney.

The purpose of the hearing was to determine the exact nature of plaintiff's claims and to clarify how the case will proceed. Plaintiff advised the court that she had two claims. The first is her claim that although she worked for the Department of Workforce Development as a contractor, she should be paid as an employee because she was required to work many more hours than she had anticipated and should be paid for all the extra hours. In addition, she has a claim for sex discrimination based on her assertion that she should have received the same pay as Leslie Mirkin, a male employee of the department doing the same work she was doing.

Mr. Sweeney advised the court and plaintiff that he intends to file a motion for summary judgment, raising two defenses: that plaintiff was not an employee under the Fair

Labor Standards Act during the time in question in this suit and that plaintiff was never entitled to be paid the same rate of pay as Leslie Mirkin. Because Mr. Sweeney will be away from the office on medical leave for the next few weeks, he may have until November 14, 2014, in which to file and serve his motion for summary judgment. Plaintiff may have until December 8, 2014, in which to file and serve her response to the motion. Defendant will have until December 18, 2014 to file a reply.

Earlier this year, the department ruled that plaintiff is entitled to unemployment benefits for the period May 2013 to March 2014. It is not clear at this time how that ruling relates to plaintiff's claims in this lawsuit. The parties should discuss the ruling in their briefing.

I am including a copy of the court's guidelines on motions for summary judgment that plaintiff may use to help her in preparing a response to defendant's motion for summary judgment. Plaintiff should read the guidelines carefully because they will help her put together her response.

Plaintiff should keep in mind that there is no reason for her to file any motions or other papers in this case until after Mr. Sweeney has filed defendant's motion for summary judgment. I explained to her that defendant's motion for summary judgment may end the

case unless she can show she has evidence that supports either or both of her claims.

Entered this 9th day of October, 2014.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge